Inherent.Com v. Martindale Hubbell et al Doc. 16

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INHERENT.COM aka INHERENT, INC. Plaintiff, v. MARTINDALE-HUBBELL, LEXIS/NEXIS INC. and DOES 1 through 200 inclusive, Defendants.	No. C 05 3515 MHP **[PROPOSED] ORDER PURSUANT TO STIPULATION TO EXTEND TIME FOR DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO FIRST AMENDED COMPLAINT** Complaint Filed: July 29, 2005

WHEREAS, on July 29, 2005, plaintiff Inherent.com aka Inherent, Inc. ("Plaintiff") filed its initial Complaint against defendants Martindale-Hubbell and Lexis/Nexis, divisions of Reed Elsevier, Inc. (collectively, "Defendants") in the Superior Court of the State of California, County of San Francisco, Case No. CGC 05443573 ("Complaint"), entitled Inherent.com aka Inherent, Inc. v. Martindale-Hubbell, et al. (the "State Court Action") which was timely removed to this Court on August 30, 2005, upon Defendants' filing of a Notice of Removal pursuant to 28 U.S.C. § 1446(b);

WHEREAS, on September 7, 2005, Defendants filed a Motion to dismiss the Complaint or in the alternative, to transfer the action pursuant to 28 U.C.S. § 1404, which is scheduled to be heard before this Court on October 31, 2005 (the "Pending Motion");

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WHEREAS, Plaintiff filed a First Amended Complaint on September 23, 2005;

WHEREAS, Defendants intend to move to dismiss the First Amended Complaint on or before the October 11, 2005 deadline to answer or otherwise respond to the First Amended Complaint on substantially identical grounds as its Pending Motion;

WHEREAS, because Defendants' response the First Amended Complaint would be due prior to the currently scheduled October 31, 2005 hearing on Defendants' Pending Motion, the parties wish to conserve judicial and the parties' resources and avoid additional motion practice against the First Amended Complaint which may be unnecessary pending a decision and order by the Court on Defendants' Pending Motion;

Pursuant to Local Rules 6-2 and 7-12 and the matters stated herein, the parties, by and through counsel, hereby stipulate as follows:

1. Defendants' Pending Motion shall be heard as currently scheduled on October 31, 2005, at 2:00 p.m., before this Court, unless otherwise ordered;

2. Pending an Order on Defendants' Pending Motion, all Defendants' time to answer or otherwise respond to the First Amended Complaint shall be extended;

3. Each of the Defendants shall have thirty (30) days to respond to the First Amended Complaint after the date that the Court issues an Order in connection with the Defendants' Pending Motion;

4. If the Court orders that the Complaint is dismissed or otherwise transfers this action, Plaintiff agrees to dismiss its First Amended Complaint in this action without prejudice to refiling such First Amended Complaint in any appropriate venue;

5. There have been no previous time modifications in this action, either by stipulation or order of the Court;

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6. This Stipulation does not affect any date on the schedule for this action as set forth in the Order Setting Initial Case Management Conference.

DATED: October ____, 2005

SHARTSIS FRIESE LLP

By ______________________
ZESARA C. CHAN

Attorneys for Defendants
MARTINDALE-HUBBELL AND LEXIS/NEXIS, divisions of REED ELSEVIER, INC.

DATED: October 5, 2005

LAW OFFICES OF PATRICK E. CATALANO

By ______________________
JANNIK P. CATALANO

Attorneys for Plaintiff
INHERENT.COM aka INHERENT, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October ____, 2005

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HONORABLE MARILYN H. PATEL
UNITED STATES DISTRICT JUDGE

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DATED: October _____, 2005

SHARTSIS FRIESE LLP

By ______________________________
ZESARA C. CHAN

Attorneys for Defendants
MARTINDALE-HUBBELL AND LEXIS/NEXIS, divisions of REED ELSEVIER, INC.

DATED: October _____, 2005

LAW OFFICES OF PATRICK E. CATALANO

By ______________________________
JANNIK P. CATALANO

Attorneys for Plaintiff
INHERENT.COM aka INHERENT, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October _____, 2005

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HONORABLE MARILYN H. PATEL
UNITED STATES DISTRICT JUDGE

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